



STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL

**GUIDELINE FOR CARRYING A CONCEALED FIREARM IN THE
STATE OF HAWAII BY A "QUALIFIED LAW ENFORCEMENT
OFFICER" PURSUANT TO 18 UNITED STATES CODE § 926B**

The following guideline is provided as a courtesy to "Qualified Law Enforcement Officers" that intend to carry a concealed firearm within the State of Hawaii pursuant to 18 U.S.C. § 926B. This guideline is NOT a "legal opinion." You should consult with a licensed attorney for legal advice and interpretation of Hawaii Firearms Laws [Hawaii Revised Statutes chapter 134] and the Law Enforcement Officers Safety Act of 2004 [18 United States Code § 926B].

I. **CARRYING A CONCEALED FIREARM IN THE STATE OF
HAWAII PURSUANT TO 18 UNITED STATES CODE § 926B.**

18 United States Code § 926B, allows a "Qualified Law Enforcement Officer" to carry a concealed firearm in the State of Hawaii if **all** of the following requirements are met:

- a. You are currently an employee of a governmental agency. [18 U.S.C. § 926B(c)].
- b. You are authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and have the statutory powers of arrest. [18 U.S.C. § 926B(c)(1)].
- c. You are authorized by your governmental agency to carry a firearm. [18 U.S.C. § 926B(c)(2)].
- d. You are not the subject of any disciplinary action by your governmental agency. [18 U.S.C. § 926B(c)(3)].

- e. You meet the standards, if any, established by your governmental agency that require you to regularly qualify in the use of a firearm. [18 U.S.C. § 926B(c)(4)].
 - f. You are not under the influence of alcohol or other intoxicating or hallucinatory drug or substance while possessing the concealed firearm. [18 U.S.C. § 926B(c)(5)]
 - g. You are not prohibited by Federal law from receiving a firearm. [18 U.S.C. § 926B(c)(6)].
 - h. You possess a photographic identification that was issued by the governmental agency for which you are employed as a law enforcement officer. [18 U.S.C. § 926B(d)]. Possession of the photographic identification must be authorized by your governmental agency to be considered a valid photographic identification in the State of Hawaii.
 - i. The firearm that you are carrying concealed is not: a machinegun (as defined in § 5845 of the National Firearm Act); a firearm silencer (as defined in § 921 of Chapter 44 of title 18, United States Code); a destructive device (as defined in §921 of Chapter 44 of title 18, United States Code). [18 U.S.C. § 926B(e)(1-3)].
 - j. You do not possess a concealed firearm in any area (public or private) in the State of Hawaii where carrying of firearms is prohibited. [18 U.S.C. § 926B(b)].
- II. If you are not on official duty with your governmental law enforcement agency and you are carrying a concealed firearm pursuant to 18 U.S.C. § 926B, you **are not** considered a “law enforcement officer” in the State of Hawaii. The Hawaii Revised Statutes will be applied to you as if you were a “civilian” with no law enforcement powers.
- III. If you are carrying a concealed firearm in the State of Hawaii pursuant to 18 U.S.C. § 926B, you are required to comply with all laws in the State of Hawaii, including but not limited to the following State of Hawaii Firearms Laws:

- a. If you bring a firearm to Hawaii and remain longer than three (3) days, you must register the firearm with the chief of police in the county in which you are staying. Every person arriving in the State who brings, or by any manner causes to be brought into the State, a firearm SHALL register the firearm with the chief of police of the county within three (3) days after arrival of the firearm or the person, whichever arrives later. Failing to register your firearm is a petty misdemeanor, punishable by up to six (6) months jail and/or a \$1000 fine. See Hawaii Revised Statutes § 134-3 for entire text.
http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0003.HTM
- b. The ammunition loaded in your concealed firearm CANNOT be Teflon coated or designed to explode or segment upon impact. Ammunition sold as “law enforcement only” cannot be possessed in Hawaii unless you are an authorized law enforcement officer. Any type of ammunition or any projectile component thereof coated with Teflon or any other similar coating designed primarily to enhance its capability to penetrate metal or pierce protective armor, and any type of ammunition or any projectile component thereof designed or intended to explode or segment upon impact with its target is prohibited in the State of Hawaii. Possession of unauthorized ammunition is a class C felony, punishable by five (5) years in prison without the possibility of probation. See H.R.S. § 134-8 for entire text.
http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0008.HTM
- c. The magazine capacity of your concealed firearm cannot exceed ten (10) rounds. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable

ammunition magazines with a capacity in excess of ten rounds that is designed for or capable for use with a handgun is prohibited. This subsection shall not apply to magazines originally designed to accept more than ten rounds of ammunition which have been modified to accept no more than ten rounds and which are not capable of being readily restored to a capacity of more than ten rounds.

Possession of an unauthorized magazine is a misdemeanor, punishable by one (1) year in jail and/or a \$2000 fine, or a C Felony if the unauthorized magazine is inserted into a pistol.

See H.R.S. § 134-8 for entire text.

http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0008.HTM

- d. A person under indictment or convicted of a felony or a crime of violence or under treatment for addiction or abuse of drugs, with a mental disorder, or with a restraining order against him/her shall not own, possess, or control any firearm or ammunition in Hawaii. Penalties for violating this section range from a class B felony to a misdemeanor. See H.R.S. § 134-7 and § 134-7.5 for entire text.

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- e. Electric Guns are restricted in the State of Hawaii unless in the possession of State of Hawaii county police or State Sheriffs. Unauthorized possession of an Electric Gun is a misdemeanor, punishable by up to one (1) year in jail and/or a \$2000 fine. See H.R.S. § 134-16 for entire text.

http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0016.HTM

- f. Deadly weapons such as any dirk, dagger, blackjack, slug shot, billy, metal knuckles, switch blades and butterfly knives

are not allowed in the State of Hawaii unless authorized by law. Possession of a prohibited weapon is a misdemeanor, punishable by up to one (1) year in jail and/or a \$2,000 fine. Any person who knowingly possesses or intentionally uses or threatens to use a deadly or dangerous weapon while engaged in the commission of a crime is guilty of a Class C Felony, punishable by up to five (5) years jail and/or a \$10,000 fine. See H.R.S. §§ 134-51, 134-52 and 134-53 for entire text.

http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0051.HTM

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- g. No person shall sell, give, lend, or deliver into the possession of another any firearm except in accordance with this chapter. See H.R.S. §134-2(h) for entire text.

http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0002.HTM

- IV. If you are on **official** duty with your governmental law enforcement agency, you should be familiar with the requirements of H.R.S. §134-11. Prior to arriving in Hawaii, you should contact the county police department in which you will be doing your official business and review H.R.S. § 134-11. See H.R.S. §134-11 for entire text.

http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0011.HTM

- V. What should you do if you decide to carry a concealed firearm in the State of Hawaii?

- a. Make sure that you have your governmental agency issued law enforcement photographic identification. We recommend you obtain a letter from your governmental law enforcement agency, on official letterhead, indicating that

you are in possession of authorized photographic identification and that you meet all requirements of 18 U.S.C. § 926B.

- b. If stopped by a Hawaii law enforcement officer (LEO), you should calmly indicate to the LEO that you are a law enforcement officer and in possession of a concealed weapon, pursuant to the Law Enforcement Safety Act. You should then present the LEO with your governmental agency issued photographic identification and verification letter.
- c. Due to the fact that there is NO standardized photographic identification or registry, if the LEO cannot readily verify your photographic identification, he/she may ask you to relinquish your firearm until verification is received from your governmental law enforcement agency. You will be permitted to carry a concealed weapon only if the officer can verify that you are in fact a "qualified law enforcement officer" pursuant to 18 U.S.C. § 926B.
- d. Do not leave your firearm inside of an unattended vehicle.

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CONTACT INFORMATION:

City and County of Honolulu, Island of Oahu:
Honolulu Police Department
801 South Beretania Street
Honolulu, Hawaii 96813
Firearms Section: (808) 529-3528

County of Hawaii, Island of Hawaii (Hilo/Kona)
Hawaii County Police Department
349 Kapiolani Street
Hilo, Hawaii 96720
Firearms Section:
Hilo: (808) 961-2239
Kona : (808) 326-4646

County of Kauai, Island of Kauai
Kauai Police Department
3990 Kaana Street, Suite 200
Lihue, Hawaii 96766
Firearms Section: (808) 241-1663

County of Maui, Islands of Maui, Molokai, Lanai
Maui Police Department
55 Mahalani Street
Wailuku, Hawaii 96793
Firearms Section: (808) 244-6355

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425 Queen Street
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